



10 ADMINISTRATION

Effective: 6/1/96

10.51 Civil Rights: Nondiscrimination/Equal Opportunity

Revised: 6/1/98

POLICY: The WIC Project must operate in accordance with Federal policy which does not permit discrimination based on race, color, national origin, sex, age, or handicap. The State of Wisconsin also prohibits discrimination based on creed, ancestry, sexual orientation, arrest or conviction status, marital status, military participation, or religion.

BACKGROUND: Local projects must comply with Title VI of the Civil Rights Act of 1964 and other provisions listed in the WIC Project Grant Agreement.

PROCEDURE:

A. NONDISCRIMINATION POSTER

“...And Justice for All” must be prominently displayed in all WIC clinic waiting rooms and other areas frequented by participants and applicants, including outlying clinics.

B. NONDISCRIMINATION STATEMENT

Nondiscrimination statement is required on all informational and educational materials distributed to participants or potential applicants, (both State or Local agency developed) including publications, newsletters, outreach materials, appointment reminders, handouts, referral materials, leaflets, and brochures that identify or describe the WIC Program. When in doubt, put it on.

1. “The United States Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, age, and disability. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202)720-2600 (voice and TDD). To file a complaint, write immediately to your local WIC project. If you are not satisfied or if you do not get a response in approximately 30 days, write to Department of Health and Family Services Affirmative Action/Civil Rights Compliance Office, 1 W Wilson St, Room 672, Madison, WI 53703.”

2. EXCEPTIONS

- a) Current supplies of materials containing an old statement, or no statement, may be depleted. The nondiscrimination statement must be printed on all new materials.
- b) Forms used in determining eligibility, i.e. questionnaires, growth grids, flow sheets; nor materials to vendors need the statement.



- c) The statement is not required to be printed on items that identify the WIC Program such as cups, buttons, magnets, pens and other items that are impractical to print on because of the size or configuration of the item.
- d) For radio and television ads, or small items such as church bulletins or newspaper ads, the statement “WIC is an Equal Opportunity Program” is sufficient instead of the entire statement.
- e) Nutrition education and breastfeeding promotion and support materials that strictly provide a nutrition message with no mention of the Program are not required to contain the statement.

C. NOTIFICATION OF RIGHTS

Local projects must notify participants and applicants of their rights and responsibilities, their protection against discrimination, and the procedure for filing a complaint.

- 1. The Termination/Ineligibility Letter informs applicants of their rights
- 2. The State developed “Rights and Responsibilities” informs participants.

D. TRANSLATION AND INTERPRETERS

- 1. Local projects shall ensure that translation resources are available for limited-English speaking or hearing impaired participants. These may include foreign or sign language interpreters and written materials.
- 2. Local projects shall accommodate the hearing disabled by contacting IndependenceFirst Interpreter Coordination Service at 414/291-7535 or 800/542-9838 to schedule an interpreter. The cost of these services are billed directly from IndependenceFirst and paid by the State WIC Office.
- 3. It is permissible to set aside a specific clinic time or day to serve special populations, i.e. having a language interpreter available. However, if a member of the special population group cannot come in at this time, arrangements must be made to serve that person during regular service hours.
- 4. It is strongly recommended that if the participant caseload contains a substantial number of minority participants, every effort should be made to employ members of the diverse populations to provide culturally appropriate services.

E. COMPLAINT PROCEDURE

The local WIC project must have a written procedure for handling discrimination complaints.



1. Local projects must identify an Equal Opportunity (EO) Coordinator
 - a) Responsible for investigating and reporting to the Agency Director any complaints of discrimination based on age, race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation
 - b) Someone other than a WIC project staff member
2. Any person alleging discrimination based on age, race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation has a right to file a complaint.
 - a) Must be filed within 180 days of the alleged discriminatory incident
 - b) May be verbal or in writing. In the event a complainant makes the allegations verbally or through a telephone call and refuses or is not inclined to make the allegations in writing, the EO Coordinator shall write up the elements of the complaint.
 - c) All complaints shall be accepted by the local project staff and forwarded to the agency's EO Coordinator, or the complaint may be mailed to the EO Coordinator, who will make an investigation of the complaint and make a full report with recommendations to the local WIC agency director.
 - d) Many times the issues addressed are misunderstandings rather than true acts of discrimination. Resolution of the complaint will be sent to the complainant in writing, or by another method which will be understood.
 - (1) The report shall include:
 - (a) language understandable to the complainant and
 - (b) summary of the complaint, the scope of the investigation, facts which support or refute the complaint, the decision and reasons for the decision
 - (2) The report shall be sent within thirty (30) calendar days of the date of receipt of the complaint.
 - e) If the complainant is not satisfied with the resolution of the complaint, the Equal Opportunity Coordinator shall accept the appeal and forward it to the Department of Health and Family Services, Affirmative Action/Civil Rights Compliance Officer, 1 W Wilson St, Room 672, Madison, WI 53703.



- f) If the Division of Health determines the complaint to be discrimination, the complaint will be forwarded to the USDA, Food and Consumer Service Administrator, 3101 Park Center Drive, Alexandria, VA 22302.
- g) Anonymous complaints should be handled as any other complaint.
- 3. No person shall intimidate, threaten, retaliate, or discriminate against a person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a discrimination complaint.
- 4. The identity of complainants shall be kept confidential except to the extent necessary to carry out the investigation and/or hearing related to the complaint.
- 5. Local agency WIC Directors are required to provide training on discrimination procedures to all staff and provide updates to existing staff as necessary.
- 6. An illustration of a discrimination complaint procedure is included in the Attachment. This may be used if completed with local project specific information.
- 7. An illustration of a discrimination complaint form is included in the Attachments.
- 8. All agency developed procedures or forms used instead of those in this Operations Manual, must be approved by the State WIC Office during onsite performance reviews.

F. PROHIBITED DISCRIMINATORY PRACTICES

Discrimination is prohibited in all aspects of the delivery of WIC benefits. Some specific examples of discrimination and noncompliance are as follows:

- 1. Exclusion of eligible persons from participating in the Program or the inequitable allocation of food benefits to eligible persons on the basis of age, race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation
- 2. Issuance of food drafts in a place, time, or manner that results in, or has an effect of, denying or limiting the benefits on the basis of age, race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation
- 3. Segregation of persons in a clinic waiting area or through the appointment system
- 4. The selection of clinic locations for participation in WIC which has the effect of, or results in, limiting the availability of WIC benefits or services on basis of age,



race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation

5. Failure to apply the same eligibility criteria to all potential eligibles seeking participation in the Program, including certification of potential eligibles and placement on a waiting list on the basis of age, race, religion or creed, color, sex, national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, or military participation

ATTACHMENTS

Sample Discrimination Complaint Procedure for WIC Participants
Discrimination Complaint Form